

**UNITED STATES BANKRUPTCY COURT
DISTRICT OF MINNESOTA**

In re: BKY 15-50792
Diocese of Duluth, Chapter 11
Debtor.

ORDER APPOINTING UNKNOWN CLAIMANTS' REPRESENTATIVE

This case is before the court on the motion of the Diocese of Duluth to appoint an unknown claimants' representative. Based on the motion and file,

IT IS ORDERED:

1. The motion to appoint an unknown claimants' representative is granted.
2. Michael R. Hogan is appointed the unknown claimants' representative to represent unknown claimants. "Unknown claimants," as used in this order, are those whose claims against the Diocese of Duluth are based on conduct that occurred in the past, before the conclusion of this case, but may be asserted in the future pursuant to applicable law or any order confirming a plan.
3. The unknown claimants' representative shall have standing under section 1109(b) of the Bankruptcy Code to be heard as a party in interest in all matters relating to the Diocese's chapter 11 case, as appropriate.
4. The duties and responsibilities of the unknown claims representative will include:
 - a. Undertaking an investigation and analysis to assist the court in determining the estimated number of unknown tort claims and claim amounts held by the unknown tort claimants;

- b. Negotiating with the debtor and other appropriate parties (including the committee of unsecured creditors) plan provisions for the evaluation, determination, and amounts of unknown tort claims and number of unknown tort claims;
 - c. Advocating the legal positions of the unknown tort claimants before this court, and if necessary, filing pleadings and presenting evidence on any issue affecting the claims of unknown tort claimants;
 - d. Serving as an independent fiduciary acting on behalf of all unknown tort claimants, and will act solely on behalf of such unknown tort claimants.
5. The unknown claimants' representative shall be compensated, at the rate of \$550 per hour and shall be entitled to reimbursement and necessary expenses, in accordance with such other orders as have been or may be entered by the court with respect to compensation of professionals in this case; *provided, however*, that the unknown claimants' representative shall file a status report summarizing all services rendered, as well as his findings and recommendations and must seek further leave of the court to incur any fees or expenses in excess of \$50,000.
6. The unknown claimants' representative may employ attorneys and other professionals consistent with sections 105 and 327 of the Bankruptcy Code, only with prior approval of the court.
7. The unknown claimants' representative shall not be liable for any damages, or have any obligations other than as prescribed by orders of this court; *provided, however*, that the future claimants' representative may be liable for damages cause by his willful misconduct or gross negligence.

Dated: January 4, 2018

/e/ Robert J. Kressel

United States Bankruptcy Judge